

**Advisory  
Council On  
Historic  
Preservation**

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

Reply to: 12136 West Bayaud Avenue, #330  
Lakewood, Colorado 80226

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December 8, 2000

Mr. Paul Peronard  
Environmental Protection Agency  
Region 8  
999 18<sup>th</sup> Street  
Suite 500, 8EPR-ER  
Denver, CO 80202

*RE: Grace Screening Plant Removal Action, Libby, Montana*

Dear Mr. Peronard:

On August 15, 2000, EPA notified the Council that the referenced undertaking would affect archaeological site 25LN1045. Included with that notification was a proposed treatment plan to address the effect, and EPA's commitment to consult with the Montana State Historic Preservation Officer (SHPO) and the Salish-Kootenai Tribal Historic Preservation Council regarding this matter. We have since been informed by the Montana SHPO that EPA proceeded with partial archaeological data recovery and the removal action without completing the requirements of 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act. Specifically, the SHPO suggests that EPA failed to consult with it and the Salish-Kootenai Tribes to develop an agreement that specified the measures to be taken to mitigate the adverse effects of the undertaking consistent with Section 800.6, or terminate consultation consistent with Section 800.7. The SHPO has requested that the Council investigate the matter pursuant to Section 800.9 as a possible foreclosure of the Council's opportunity to comment.

Please provide us with an explanation regarding EPA's actions in this matter. Specifically, we request clarification regarding why EPA proceeded with the removal action prior to completing consultation with the SHPO and tribes and developing an agreement for taking into account the effects of the action on site 24LN1045. Also, please inform us of any adjustments EPA intends to take in the review of such actions to ensure that the Section 106 process is fully integrated into EPA's decision making.

If you have any questions regarding this matter, please contact Alan Stanfill at (303) 969-5110,  
or [astanfill@achp.gov](mailto:astanfill@achp.gov).

Sincerely,

A handwritten signature in black ink, appearing to be "DKlima", written over the word "Sincerely,".

Don L. Klima  
Director  
Office of Planning and Review